

Links to video presentation by Dr. Lawrence Sternberg:

https://youtu.be/oXZkQbQ_Pzo

My name is Heidi Nuttall.

I'm a representative and spokesperson for the Campaign for Youth Justice, a national initiative dedicated to ending the prosecution, sentencing, and incarceration of youth under 18 in the adult criminal justice system.

I was brought to this work because I am the mother of a child who was prosecuted as an adult at the tender age of 13. This process has changed his life forever. Though his MSOTA therapist recommended treatment at home, and he was assessed at moderate risk to reoffend, he was prosecuted as an adult and given a sentence of 40 years DOC commit, with 36 years suspended.

He was then torn from everything he ever knew, His parents, his family, his home and everything that was familiar. He was shackled and moved over 500 miles away. He now resides in Montana State Prison.

Unfortunately, he is NOT alone. In Montana, for some offenses children as young as 12 years of age can be tried and treated as an adult and charged as such by prosecuting attorneys at their discretion.

In Montana, The DA (county attorney) may file a delinquency petition in youth court or a motion in district court asking for consent to file adult criminal charges. This is what happened with my son though his attorney petitioned many times for transfer to juvenile court this was denied over and over again.

I'm sure many of you remember last year, the huge efforts made by this committee and dedicated parents and professionals concerning changing laws that have to do with juvenile sexual offense registration. I feel that, thanks to the open minds of so many of you, huge progress was facilitated. Getting our kids off the public registry is so critical. (I sincerely thank you for that!)

Andy Hudak, a highly respected MSOTA representative, spoke then, about the lack of development of the executive functions of the brain in young people through age 24/25. This is in reference to the part of the brain that controls impulsivity that connects choices in the present moment with consequences in the future.

The good news is that the plasticity of the juvenile brain allows for dramatic changes in a positive direction up through the ages of 24 to 25.

This means that with therapeutic intervention, a vast majority of kids can be and are rehabilitated this leads to healthy, confident and productive adults who contribute to our economy.

With all of this in mind, I am asking that this committee formulate a plan that will stop the process whereby prosecutors have the power to send 12, 13, and 14 year olds to adult court on their own, as happened in my son's case.

In the Fall 2014, the Vera Institute of Justice convened a series of research-based, educational briefings on adolescent brain research, the systemic causes of youth contact with the justice system, and the implications for future legal standards and best practices.

In this series, Prof. Lawrence Sternberg of Temple University spoke on adolescent brain development and juvenile justice reform. Dr. Sternberg has studied brain development of adolescents for quite sometime and has worked with kids for 40 years. These are some of the statements he made in reference to juvenile justice reform especially when it comes to young children and incarceration.

"I am always struck at the disconnect that takes place between what science tells us about adolescent development and what the popular portrayal that often influences our legal policies toward kids" I believe that if we could realign those policies and practices in a way that is more consistent with what science has to tell us, we would have far better outcomes for our kids and for our communities and our country." And I will insert here, t(he savings of large amounts of money to our society)

"adolescence is happening at a much earlier age. We now understand that sex hormones effect the brain in profound ways that have downstream consequences for how kids behave. These effects are happening at a much younger age (as young as 8) and we haven't really caught up with that as a society."

"The understanding of How adolescents are different from adults, should inform juvenile justice policy because it tells us what people of any particular age needs, while they're in the custody of the system and it helps inform the genesis of the behaviors that got them there in the first place"

These are some of the more outstanding quotes I took from Dr. Sternberg's presentation.

I have provided you a link to that video, which I highly recommend you watch, It might be especially helpful for those of you who are new members of the committee – those that were not exposed to the information presented by experts in the last interim and legislative sessions.

I would suggest that only those found to be at high risk for reoffending, in a professional risk assessment, be considered for sentencing as an adult, with automatic reassessments of the high-risk adolescent at 17 – to see if the risk level had lowered – this would go a long way towards still protecting community safety, not damaging lives unnecessarily, and saving huge amounts of money money!

Again, I ask that this committee seriously consider the necessity of "raising the floor" so that DA's no longer have the power to transfer a young adolescent to adult court under any circumstance. or that a child of this age be prosecuted as an adult under most circumstance.